

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

WILLIAM FEEHAN,

Plaintiff,

v.

WISCONSIN ELECTIONS COMMISSION,
and its members ANN S. JACOBS, MARK
L. THOMSEN, MARGE BOSTELMANN,
JULIE M. GLANCEY, DEAN KNUDSON,
ROBERT F. SPINDELL, JR., in their official
capacities, GOVERNOR TONY EVERS,
in his official capacity,

Case No.: 20CV1771

Defendants.

**DEFENDANT GOVERNOR TONY EVERS'S MOTION FOR LEAVE TO FILE
SUPPLEMENTAL BRIEF**

Defendant Governor Tony Evers hereby moves the Court, pursuant to Civil L.R. (7)(i), for leave to file a short supplemental brief in the above-captioned matter. In support of this motion, Governor Evers submits the following:

1. On March 31, 2021, Governor Evers filed a motion and supporting materials seeking attorneys' fees from and sanctions against Plaintiff William Feehan and his counsel. (Dkt. 97-104) As of May 5, 2021, that motion was fully briefed. (*See* Dkt. 109-110) On August 30, 2021, Governor Evers filed a notice of supplemental authority, alerting the Court to several relevant judicial decisions issued after briefing concluded. (Dkt. 111)

2. Since those filings concluded, new relevant evidence that illuminates the issues before this Court has come to light. On September 17, 2021, Dr. Eric Coomer, plaintiff in a defamation suit filed in Colorado state court against Donald Trump for President, Inc. (the "Trump campaign"), filed a brief, attached to which was a memo drafted by the Trump campaign. The

memo, written weeks before litigation was filed in this Court, demonstrates that the Trump campaign looked into—and quickly dismissed as wholly unsupportable—suggestions that Dominion voting machines had altered individual votes in the 2020 presidential election. (Both the Coomer filing and the Trump campaign memo are exhibits to the proposed brief.)

3. When the Trump campaign wrote the memo, Sidney Powell, a member of Plaintiff's legal team here, was providing counsel to the Trump campaign on possible challenges to the election results. Statements by Ms. Powell and White House officials confirm her role.

4. Regardless of when Ms. Powell learned of the Trump campaign memo, the memo is relevant here because it confirms that Plaintiff's counsel failed to conduct even the most basic pre-filing investigation. Such failure in any litigation constitutes a serious breach of professional responsibilities, but it was even more egregious here because this litigation questioned Wisconsin's electoral process and American democracy as a whole.

5. As spelled out in the attached (proposed) supplemental brief, the Trump campaign memo, while not dispositive on its own, provides additional evidence that Plaintiff's counsel acted in bad faith by filing this lawsuit and should be subject to sanctions.

For the foregoing reasons, Defendant Governor Tony Evers respectfully requests leave to file the attached supplemental brief.

Respectfully submitted this 6th day of October, 2021.

/s/ Jeffrey A. Mandell

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